

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 11-CV-1226-WJM-CBS

JACK J. GRYNBERG, d/b/a GRYNBERG PETROLEUM
COMPANY,

Plaintiff,

v.

BAR S SERVICES, INC., a Wyoming Corporation,
PATRICIA SMITH, an individual, GREG K. SMITH, an
Individual, and FIRST NATIONAL BANK OF WYOMING,

Defendants.

BAR S SERVICES, INC., a Wyoming Corporation,

Counter Claimant,

v.

JACK J. GRYNBERG,

Counter Defendant.

**STIPULATED MOTION TO TRANSFER THE ENTIRE ACTION TO THE
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF WYOMING,
TO THE ENTRY OF AN ORDER OF MOOTNESS AS TO DEFENDANT PATRICIA
SMITH AND DEFENDANT GREG K. SMITH'S MOTION TO DISMISS FOR
LACK OF PERSONAL JURISDICTION AND WAIVER OF CLAIM FOR ATTORNEY
FEES, AND FOR AN ORDER OF MEDIATION WITH MICHAEL J. SULLIVAN**

Pursuant to U.S.D.C.Colo.LCivR 7.1, Defendants Bar S Services, Inc., Patricia Smith and Greg K. Smith, by and through their counsel, Robert G. Pickering of Jouard & Pickering, P.C. move the Court for entry of the following Orders:

CERTIFICATION: On July 15 and 18 2011, the undersigned personally conferred with Plaintiff's counsel Roger Jatko and with Defendant First National Bank of Wyoming's counsel Peter Dauster. I am authorized to say that all parties stipulate to the relief requested.

1. On May 11, 2011, Defendants Greg K. Smith and Patricia Smith filed a motion to dismiss for lack of personal jurisdiction.

2. On May 11, 2011, pursuant to 28 U.S.C. § 1404, Defendant Bar S Services filed a motion to transfer venue in this matter to the United States District Court for the District of Wyoming.

3. On May 11, 2011, Defendants Greg K. Smith and Patricia Smith joined in Defendant Bar S Services' motion to transfer venue in the event their motion to dismiss for lack of personal jurisdiction was denied.

4. Based upon a working agreement among the parties to facilitate a possible settlement of this matter, on June 17, 2011, Defendants Bar S Services, Inc., Patricia Smith and Greg K. Smith withdrew their motion to dismiss for lack of personal jurisdiction and to transfer venue without prejudice. The Court granted Defendants' motion to withdraw by Order dated June 21, 2011.

5. All parties have now agreed to the following efforts to facilitate a possible settlement of this matter:

a. All parties' stipulation to transfer of the entire action to the United States District Court for the District of Wyoming.

b. All parties' stipulation to entry of an order of mootness as to the Motion to Dismiss for Lack of Personal Jurisdiction.

c. Defendants Patricia Smith's and Greg Smith's waiver of any claim for attorney fees and costs arising out of the Motion to Dismiss for Lack of Personal Jurisdiction.

d. All parties' stipulation to transfer of the Escrow Funds held by Defendant First National of Wyoming to Plaintiff Grynberg.

e. Dismissal with prejudice of Defendant First National of Wyoming as to all claims for relief, each party to bear his/its own attorney fees and costs.

f. Dismissal with prejudice of Plaintiff's conversion claim against all Defendants, each party to bear his/her/its own attorney fees and costs.

g. Voluntary mediation with former Wyoming Governor Michael J. Sullivan in Cheyenne, Wyoming as soon as is feasible.

6. The instant motion concerns the transfer of the matter to the United States District Court for the District of Wyoming, the entry of an order of mootness as to the Smiths' motion to dismiss for lack of personal jurisdiction and the Smiths' waiver of attorney fees and costs arising out said motion, and the voluntary mediation with the Honorable Michael J. Sullivan, former Governor of Wyoming, in Cheyenne, Wyoming.

7. Concurrent with this motion, Defendants are filing a stipulated motion for an order allowing transfer of the Escrow Funds held by Defendant First National Bank of Wyoming to Plaintiff Grynberg, dismissal with prejudice of Defendant First National of Wyoming as to all claims for relief, each party to bear his/its own attorney fees and costs, and dismissal with prejudice of Plaintiff's conversion claim against all Defendants, each party to bear his/her/its own attorney fees and costs. *The parties request that the Order concerning these items in*

Paragraph 7 be entered before the relief requested in Paragraph 6 so that there are no jurisdictional issues caused by the transfer of venue.

8. To avoid confusion engendered by the transfer, Defendants Patricia Smith and Greg K. Smith also request an extension of time to and including ten (10) days to answer or otherwise respond to the Complaint after the date of service of notice upon its attorney of record Robert G. Pickering of the acceptance of the transfer by the United States District Court for the District of Wyoming

9. A Proposed Order is attached for the Court's convenience.

WHEREFORE, Defendants, with the stipulation and consent of all remaining parties, respectfully request that the Court: (i) transfer the entire matter to the United States District Court for the District of Wyoming, (ii) enter an order of mootness as to the Smiths' motion to dismiss for lack of personal jurisdiction and confirming the Smith's waiver of any claims for attorney fees and costs arising from said motion, and (iii) enter an order for voluntary mediation of all claims before the Honorable Michael J. Sullivan, former Governor of Wyoming, in Cheyenne, Wyoming.

DATED this 20th day of July 2011.

JOUARD & PICKERING, P.C.

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Claimant BAR S SERVICES, INC. and
Defendants PATRICIA SMITH AND
GREG K. SMITH

CERTIFICATE OF SERVICE

I certify that, on this 20th day of July 2011, I served a true and correct copy of the foregoing upon all counsel of record in this action as follows:

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s/Laura L. Bankston
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